HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. : 961 of 2005.
Decided on: 30.8.2007.

Balak Ram Sharma ..... Petitioner.

Versus

State of H.P.and others .....Respondents.

Coram:

The Hon'ble Mr.Justice Deepak Gupta, Judge.
The Hon'ble Mr.Justice V.K. Ahuja, Judge.

Whether approved for reporting?

For the petitioner: Mr.Ashok Sharma, Advocate.
For respondents No.1 to 3: Mr.M.S. Chandel, Advocate General, with Mr.R.M. Bisht, Deputy Advocate General.

Per V.K. Ahuja, J.:

The petitioner, a resident of Jiwnu Colony of Mehli Area, has filed this writ petition as Public Interest Litigation alleging that the people of the area are facing water crises for many years. A new scheme for water supply was allegedly proposed in which a detailed report has been sent including certain areas of Mehli, but this area has been excluded from the said scheme, which has been sent to NABARD for sanction of the loan and, therefore, the petitioner had prayed that the Jiwnu Colony of Mehli be also included in the said scheme to augment the water supply to this Colony.

Whether reporters of local newspapers may be allowed to see the judgment?

In reply, the respondents have challenged the locus standi of the petitioner to file a PIL since he is not a permanent resident of the Colony, but is a tenant of one Smt.Suni Devi. It was alleged that the landlord of the petitioner has been provided two water connections one by Municipal Corporation, Shimla and other by IPH Department and as such there is no scarcity of the water in the Jiwnu Colony. In regard to the scheme, it was alleged that the Department has proposed to supplement some additional water in the existing LWSS Mehli at feasible point and regulation of water will be made as per equitable distribution basis. It was further alleged in the reply that the prayer of the petitioner is only to include the area of Jiwnu Colony in the proposed LWSS. It was further pleaded that two numbers of tube wells are being added in the existing lift water supply scheme Mehli at the appropriate feasible point and the water is being connected at the appropriate place. However, there is no justification to lift this water at the cost of public exchequer which is neither technically advisable nor financially viable. It was further pleaded that with the additional water from these wells, the Department will regulate the water supply appropriately on equitable basis.

In view of the reply filed by the respondents that they will regulate water supply on equitable basis including this area of Jiwnu Colony and the fact that the residents of Jiwnu Colony are getting water supply from two schemes one from IPH and other from the Municipal Corporation, the relief, as prayed for by the petitioner, cannot be granted in view of the facts and circumstances of the case and in view of the reply filed by the respondents. The writ petition is accordingly dismissed with no order as to costs.

CMP No.1861 of 2005:

In view of the final disposal of the main petition, this application also stands disposed of.

(Deepak Gupta), J.

(V.K. Ahuja), J.

August 30, 2007. (trs)